

## PATENT

## REMARKS

Claims 1-20 are pending in the present application. Applicants amend claims 1 and 8 and traverse all rejections.

In the Office Action mailed January 27, 2005, the Examiner rejected claims 1-2, 4, 8, 10, 14, 16, and 19, under 35 U.S.C. §103(a) as being unpatentable over Siwko in view of Li. Furthermore, the Examiner rejected claims 3, 6-7, 9, 12-13, 15, 18 and 20 under 35 USC § 103(a) as being unpatentable over Siwko in view of Li as applied to claims 1-2, 4, 8, 10, 14, 16 and 19 above and further in view of Redden. The Examiner has also rejected claims 5, 11 and 17 under 35 USC § 103(a) over Siwko in view of Li and further in view of Weishaupt.

Applicants respectfully respond to this Office Action.

*Claim Rejections – 35 USC § 103(a)*

All of Applicants' claims are novel and nonobvious over the cited art. Specifically, the independent claims 1, 8, 14, and 19 include the features of : **receiving an initial call request block probability**, wherein the block probability is determined by a **network element**, **determining an elapsed time** from an effective time of said initial call request block probability, and **adjusting said initial call request block probability** based on said elapsed time.

Examiner has not made a *prima facie* case of obviousness for Applicants' independent claims because not all of the features of Applicants' independent claims are taught by the combination of Siwko and Li. Further, Examiner has not offered a motivation for combining the teaching of admission based on a calling dropping probability (Sisko) with a forward link call blocking probability calculation (Li).

Siwko and Li do not teach all elements of Applicants' claim 1 or any other of Applicants' claims. Sisko and Li do not teach "**receiving an initial call request block probability**, wherein the block probability is determined by a **network element**" as in Applicants' claims. Rather Sisko teaches "a call admission control" based on a **dropping probability**. (Please see Sisko, section II). Li teaches a "call drop probability" used at the **base station** for "blocking one or more new calls directed to one or more of the **forward links**." (Please see Li, column five and six as well as claim 1). Therefore, Siwko and Li do not teach the "**receiving an initial call**

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request block probability, wherein the block probability is determined by a network element" as in Applicants' claims. Therefore, all of Applicants' independent claims are allowable over Sisko and Li. Also, all of the dependent claims are allowable over Sisko and Li as well as Sisko and Li combined with Redden or Weishaupt because they depend on allowable base claims.

Applicants amend independent claims 1 and 8 in order to highlight to above distinction and in order to expedite prosecution. Specifically, Applicants amend these claims to add the feature "receiving at the mobile station."

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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